

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ERIC WARE, and YUMBA LASUMBA,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 04-925-WDS
)	
JASON GARNETT, and)	
CHAPLAIN LOVE,)	
)	
Defendants.)	

ORDER

PROUD, Magistrate Judge:

Before the court is plaintiff Ware's Motion to Compel. (**Doc. 76**). Defendants have filed a response at **Doc. 77**.

Plaintiff takes issue with defendants' answers to two of his interrogatories.

Interrogatory number 11 asks "Did the Muslims at the Lawrence Correctional Center including plaintiffs in 2004 or 2005 receive their feast after Ramadan known as an EED feast?" Defendants answered "Those practicing Islam are provided with a meal after Ramadan."

Plaintiff is dissatisfied with this answer because it evades the question. The court agrees that the answer does not fairly meet the substance of the question. The question is not whether the Muslim inmates were provided a "meal" after Ramadan; the question is whether they were provided with a specific meal, that is, the EED feast.

Interrogatory number 12 asks "What was the menu if any for the Muslim's [sic] EED feast?" Defendants answered "Defendants cannot answer this question without knowing the date on which the EED feast would have been held."

Plaintiff is dissatisfied with this answer because, he says, if defendants are sure there was a meal, they should be able to produce the menu. That is not necessarily correct. Obviously, at some point after Ramadan ended, the inmates were given a meal. It is one thing to say that they were given a meal, and another to specify what the meal consisted of. If defendants represent that they are unable to specify the menu without knowing the date on which the EED feast was held, the court must take them at their word.

Upon consideration and for good cause shown, plaintiff Ware's Motion to Compel (**Doc. 76**) is **GRANTED in part and DENIED in part**. The motion is granted as to interrogatory number 11. Defendants shall supplement their response to interrogatory number 11 by June 28, 2007. The motion is denied as to interrogatory number 12.

IT IS SO ORDERED.

DATE: June 14, 2007.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE